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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WARREN LICHTENSTEIN,

Plaintiff,

v.

ANDREW CADER,

Defendant.

Index No.: 13 cv 2690 (LAK)

DECLARATION OF SETH J. LAPIDOW, ESQUIRE

1. I am a member of the bar of the state of New York and of this Court. I am a partner of the firm Blank Rome LLP, a Pennsylvania LLP, counsel herein for defendant Andrew Cader. I respectfully submit this declaration in support of Mr. Cader's motion for leave to file under seal the following documents in support of his motion to dismiss plaintiff's amended complaint: (i) Notice of Motion; (ii) Memorandum of Law; and (iii) Declaration of Seth J. Lapidow, Esq., with Exhibits.

2. Mr. Cader's motion to dismiss is based largely on a recent judgment from the Hong Kong High Court (the "Hong Kong Judgment"). The Hong Kong Judgment is referenced frequently in Mr. Cader's memorandum of law, and is attached to the supporting Declaration of Seth J. Lapidow, Esq.

3. At a hearing before this Court on July 17, 2013, plaintiff's counsel represented that the Hong Kong Judgment was "not public" and "completely privileged." (*See* Transcript of July 17, 2013 Hearing at 3-4, relevant pages of which are attached hereto as Exhibit A). Thus, the Court stated that the Hong Kong Judgment would remain under seal if filed with the Court. (*Id.* at 17-18 ("Whether it needs to be submitted pursuant to a protective order and maintained under seal, if that's necessary, obviously I'll sign such order that the parties can submit or you can stipulate to it or whatever."))).

4. Accordingly, Mr. Cader respectfully requests leave to file under seal the following documents in support of his motion to dismiss plaintiff's amended complaint: (i) Notice of Motion; (ii) Memorandum of Law; and (iii) Declaration of Seth J. Lapidow, Esq., with Exhibits.

I declare under penalty of perjury that the foregoing is true and correct.

s/ Seth J. Lapidow
Seth J Lapidow, Esq.

Date: August 15, 2013